

LAW OFFICE OF GREGORY JAVARDIAN, LLC

By Mary F. Kennedy, Esquire

Attorney I.D. # 77149

1310 Industrial Blvd.

1<sup>st</sup> Floor, Suite 101

Southampton, PA 18966

(215) 942-9690

Attorney for Citizens Bank, N.A. f/k/a RBS Citizens, N.A.

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IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE:

Michelle T. Simmons

a/k/a Michelle T. Knox

Debtor(s)

Chapter 13 Proceeding

19-14692 MDC

**STIPULATION BY AND BETWEEN MICHELLE T. SIMMONS A/K/A  
MICHELLE T. KNOX AND CITIZENS BANK, N.A. F/K/A RBS CITIZENS, N.A.**

WHEREAS, the parties hereto, and their respective counsel, have agreed as to the disposition of the Motion for Relief from the Automatic Stay filed by Mary F. Kennedy on behalf of mortgagee, Citizens Bank, N.A. f/k/a RBS Citizens, N.A. (“Movant”).

NOW, THEREFORE, intending to be legally bound, the parties hereto, herewith stipulate as follows:

1. Movant is a mortgagee and holder of a perfected, secured claim against the Debtor pursuant to a Note and Mortgage on Debtor’s real estate known as at 206 Overlook Road Philadelphia PA, 19128.

2. Upon approval by the United States Bankruptcy Court of the within Stipulation, Debtor and secured creditor, Citizens Bank, N.A. f/k/a RBS Citizens, N.A., agree to the following:

(a) Debtor(s) acknowledges that the current regular monthly post-petition mortgage payment is \$1,266.06 per month. The monthly payment is

subject to change in accordance with the terms of the Note and Mortgage.

- (b) Debtor(s) acknowledge that debtor(s) is currently due for the following amounts post-petition:

11/1/2022 Payment	\$1,049.93
12/1/2022 Payment	\$1,266.06
Funds in suspense	-\$216.13
Motion for Relief Attorney Fees & Costs	\$1,238.00
TOTAL	\$3,337.86

- (c) Commencing with the January 1, 2023 payment the Debtor(s) shall resume and shall continue to make all regular monthly post petition mortgage payments when they are due in accordance with said Note and Mortgage.

- (d) Beginning January 1, 2023 and continuing monthly through June 1, 2023, in addition to Debtor(s) regular monthly post-petition mortgage payment Debtor(s) shall pay to Citizens Bank, N.A. f/k/a RBS Citizens, N.A. its successors and/or assigns the sum of \$556.31. This payment shall be applied towards the arrears shown in paragraph 2(b) above.

- (e) All payments from Debtor(s) to Citizens Bank, N.A. f/k/a RBS Citizens, N.A. its successors and/or assigns shall be in the form of certified funds or Trustee checks if conduit payments.

- (f) The provisions of the Stipulation do not constitute a waiver by Movant of its right to seek reimbursement of any amounts not included in this

Stipulation, including fees and costs, due under the terms of the mortgage and applicable law.

(g) The Debtor(s) shall timely tender all payments and comply with all conditions in accordance with this Stipulation. If such payments or conditions are not timely made, Movant may provide the Debtor(s) and their counsel with fifteen (15) days written notice of default. If the default is not cured within the fifteen (15) day period, Movant may certify the default to this Court and an Order shall be entered granting Citizens Bank, N.A. f/k/a RBS Citizens, N.A. its successors and/or assigns relief from the automatic stay without further notice and hearing.

(h) Should Citizens Bank, N.A. f/k/a RBS Citizens, N.A. its successors and/or assigns be granted relief from the stay after filing a Certification of Default in accordance with paragraph 2(g) above, the parties agree that the said relief order shall include the following language: “bankruptcy Rule 4001(a)(3) is not applicable and Movant is allowed to immediately proceed with foreclosure and all other relief available under the Non Bankruptcy law.”

(i) Should Citizens Bank, N.A. f/k/a RBS Citizens, N.A. its successors and/or assigns be granted relief from the stay after filing a Certification of Default in accordance with paragraph 2(g) above, the parties agree that the said relief order shall include the following language: “Federal Rule of Bankruptcy Procedure 3002.1 is no longer

applicable to Citizens Bank, N.A. f/k/a RBS Citizens N.A. and/or its successors and assigns.

(j) The parties agree that a facsimile may be submitted to the Court as if it were an original.

STIPULATED AND AGREED TO BY:

/s/ Stephen Matthew Dunne Date: December 14, 2022  
Stephen Matthew Dunne, Esquire  
Attorney for Debtor, Michelle T. Simmons a/k/a Michelle T. Knox

/s/ Mary F. Kennedy Date: December 15, 2022  
Mary F. Kennedy, Esquire  
Attorney for Citizens Bank, N.A. f/k/a RBS Citizens, N.A.

No Objection

/s/ LeeAne O. Huggins

Date: December 19, 2022

Kenneth E. West, Esquire  
Trustee

On this \_\_\_\_ day of \_\_\_\_\_, 2022, approved by the Court.

United States Bankruptcy Judge  
Magdelaine D. Coleman